

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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HEATHER PALMER,

Plaintiff,

v.

ORDER

16-cv-681-jdp

NANCY BERRYHILL

Acting Commissioner of Social Security,

Defendant.

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Plaintiff has filed a motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$10,939.50 in full satisfaction of any claim for fees and costs in this case. Defendant Nancy Berryhill, Commissioner of the Social Security Administration, does not oppose plaintiff's counsel's request. Accordingly, I am granting plaintiff's counsel's motion.

EAJA fees belong to plaintiff as the prevailing party, not to his attorney. See *Astrue v. Ratliff*, 560 U.S. 586 (2010). Accordingly, the EAJA award is subject to offset, to satisfy any pre-existing debt that plaintiff may owe the United States. *Id.* Provided that the award is offset to satisfy any pre-existing debt, the prevailing party may assign the fee award directly to his attorney. See *Mathews-Sheets v. Astrue*, 653 F.3d 560, 565 (7th Cir. 2011), overruled on other grounds by *Sprinkle v. Colvin*, 777 F.3d 421 (7th Cir. 2015).

After entry of this order, if counsel for the parties can verify that plaintiff owes no pre-existing debt subject to offset, then the Commissioner will direct that \$10,939.50 be paid to David Traver, pursuant to the EAJA assignment signed by plaintiff and her counsel. Dkt. 19.

ORDER

IT IS ORDERED that plaintiff Heather Palmer is awarded attorney fees and costs in the amount of \$10,939.50. This amount is to be made payable to plaintiff's attorney, David Traver, contingent upon payment of money owed to the United States.

Entered: May 4, 2018.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge